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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,485	02/22/2002	Ken D. Hittleman	3866P010	3719
8791	7590	08/31/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			CHOULES, JACK M	
			ART UNIT	PAPER NUMBER
			2177	

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,485

Applicant(s)

HITTLEMAN ET AL.

Examiner

Jack M Choules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4 IDS on 9 pages</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-56 are presented for examination.

Information Disclosure Statement

2. The information disclosure statements (IDS)s submitted on 17 April 2002, 17 May 2002, 25 July 2002, and 20 August 2002 was filed after the mailing date of the Original application papers on 22 February 2002 but before the mailing of the first action on the merits. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. The copies of the completed 1449's are attached.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 7-12, 14-19, 21-26, 28-33, 34-40, 42-47, 49-54 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Parrish et al. US patent No. 5,752,245 A.

Note: The Parrish reference was provided by the applicant, with the IDS filed with the office on 20 August 2002, having been cited in a related PCT application.

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4. As to claims 1, 2, 8, 14, 15, 16, 22, 28, 29, 30, 36, 42, 43, 44, 50 and 56, Parish et al teaches a system which comprises “retrieving...” (col.14, lines 28-65) and “applying...” (col. 15, lines 36-65) note: the storage must be done in a predetermined format for programs to operate.
5. As to claims 3, 4, 11, 12, 17, 18, 25, 26, 31, 32, 39, 40, 45, 46, 53, 54, Parish et al teaches a system further comprising “configuring...” and “assigning...” (col.14, lines 28-65).
6. As to claims 5, 7, 9, 10, 19, 21, 23, 24, 33, 35, 37, 38, 47, 49, 51, and 52, Parish et al teaches a system further comprising: “transmitting...” and “receiving...” (col. 15, lines 36-51).
7. Claims 1-4, 8, 11, 12, 14-18, 22, 25, 26, 28-32, 34, 36, 39, 40, 42-46, 50, 53, 54 and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura US patent No. 5,752,245 B1.
8. As to claims 1, 2, 8, 14, 15, 16, 22, 28, 29, 30, 36, 42, 43, 44, 50 and 56, Nakamura teaches a system which comprises “retrieving...” (figure 4, and col. 4, lines 54-67 and column 5 lines 1-14) and “applying...” (col. 5, lines 2-3) note: the storage must be done in a predetermined format for programs to operate.
9. As to claims 3, 4, 11, 12, 17, 18, 25, 26, 31, 32, 39, 40, 45, 46, 53, 54, Nakamura teaches a system further comprising “configuring...” and “assigning...” (figure 4, and col. 4, lines 54-67 and column 5 lines 1-14).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6, 13, 20, 27, 34, 41, 48, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parrish et al as applied to claim 1, 8, 15, 22, 29, 36, 43, or 50 above.

12. As to claims 6, 13, 20, 27, 34, 41, 48, and 55, Parrish does not teach the ZIP format, however, the ZIP format is well known in the art for file storage with compression, it would have been obvious at the time of the invention for one of ordinary skill in the art to use the ZIP format with Parrish to conserve storage space through compression of the application to be stored.

13. Claims 5-7, 9, 10, 13, 19-21, 23, 24, 27, 33-35, 37, 38, 41, 47-49, 51, 52, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura as applied to claim 1, 8, 15, 22, 29, 36, 43, or 50 above.

14. As to claims 6, 13, 20, 27, 34, 41, 48, and 55, Nakamura does not teach the ZIP format, however, the ZIP format is well known in the art for file storage with compression, it would have been obvious at the time of the invention for one of ordinary skill in the art to use the ZIP format with Parrish to conserve storage space through compression of the application stored in the system of Nakamura.

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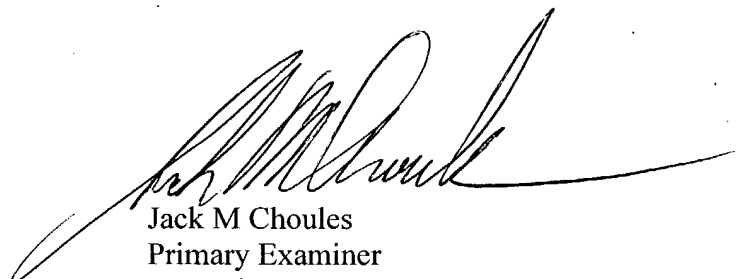
15. As to claims 5, 7, 9, 10, 19, 21, 23, 24, 33, 35, 37, 38, 47, 49, 51, and 52, Nakamura does not teach: "transmitting..." and "receiving..." (col. 15, lines 36-51) however it would be obvious to at times duplicate files and transmit them to other servers to allow for wider distribution.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack M Choules whose telephone number is (703) 305-9840. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack M Choules
Primary Examiner
Art Unit 2177

28 August 2004